

Broach & Stulberg ^{LLP}
Attorneys at Law

Robert B. Stulberg
Partner
rstulberg@brostul.com

T 212.268.1000
F 212.947.6010
www.brostul.com

One Penn Plaza, Suite 2601
New York, New York 10119



MEMO ENDORSED

November 1, 2017

VIA ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: November 1, 2017

Re: Murray v. UBS Securities LLC, et al.
14-CV-927 (KBF) (SN)

Dear Judge Failla:

We write to follow up on last night's telephone conference in this case.

We acknowledge and apologize again to the Court for our violation of Rule 3(A) of the Court's Individual Rules of Practice in Civil Cases. For the reasons set forth below, however, we write to request that the Court grant an exception to that Rule, permitting Robert Herbst to appear as principal trial counsel for plaintiff.

We make this request because Mr. Herbst, who has tried many criminal and civil cases to juries since he began his career as an Assistant United States Attorney in 1974, will be able to most effectively and efficiently serve our client and the Court in the upcoming trial, with the assistance of the undersigned and my partner, Amy F. Shulman. As we stated last night, permitting Mr. Herbst to serve as principal trial counsel will not delay this trial. Plaintiff will be prepared to proceed on December 4.

The Court's considerations are greatly appreciated.

Respectfully submitted,

/s/ Robert B. Stulberg
Robert B. Stulberg

RBS/ps
cc: All counsel (via ECF)

Application DENIED. Mr. Herbst may assist or not participate at all. Counsel is directed to file future letters with the correct case caption (including initials) and is reminded to send courtesy copies of all letters to Chambers via email in accordance with Rule 2.A of the Court's Individual Rules of Practice in Civil Cases.

Dated: November 1, 2017
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE